



Staff Report

Coalville City
Community Development Director

To: Coalville City Planning Commission
From: Don Sargent, Community Development Director
Date of Meeting: May 18, 2026
Re: Proposed Amendments to the City Development Code
Action: Public Hearing and Possible Recommendation

Proposed Amendments to the City Development Code

REQUEST

The purpose of this public hearing is to review, discuss, and receive public comment and input on proposed update amendments to the Development Code for a possible recommendation to the City Council.

This item is scheduled for public hearing and possible action.

BACKGROUND

It has come to the attention of the City that the current Development Code contains language provisions and references that should be addressed, clarified, and corrected related to administrative review and approval processing for administrative applications consistent with current State statutes.

The City is also proposing various amendments to the Code to address several regulatory requirements and provide clarity, correctness, and possible changes related to temporary signs, commercial campgrounds, business licenses, special events, and other provision clarifications.

Existing Health and Safety and Noise Disturbance Regulations are also being proposed to include in the Code that were inadvertently omitted in the published web version of the Code.

ANALYSIS

According to Chapter 03-080 of the Development Code, any development code text amendment must first receive a recommendation from the Planning Commission and then be adopted by the City Council through an ordinance. When reviewing proposed amendments to the Development Code, the following Standards for Decision of Section 03-080.E are to be considered as applicable:

1. Is the amendment consistent with the goals, objectives, and policies of the General Plan.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.
3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone.
4. Will the proposed amendment adversely affect adjacent property; and
5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. Is the Amendment consistent with the goals, objectives, and policies of the General Plan.

Staff will present the proposed language amendments to the Development Code in a "Track Change" format at the meeting for review and discussion. For reference, [Attachment A](#) and [B](#) include the [Existing Health and Safety](#) and [Noise Disturbance](#) regulations that were inadvertently omitted in the current published web version of the Code.

Required Review Process

The Development Code amendment process includes review by Staff and the Planning Commission, with a formal public hearing to gather input and ensure all required Standards for Decisions are considered before making a recommendation to the City Council.

RECOMMENDATION

Staff recommends the Planning Commission review and discuss the proposed Development Code amendments, conduct a public hearing, and consider a recommendation to the City Council.

As an alternative action, the Planning Commission may provide input and direction to Staff on the amendments for review, discussion, and a recommendation at a subsequent meeting.

Attachments:

- A.** Existing Health and Safety Regulations
- B.** Existing Noise Disturbance Regulations

Title 7 Health and Safety

Chapter 11: Nuisance Enforcement

- 7-11-010: Purpose
- 7-11-020: Definitions
- 7-11-030: Nuisance - Definition
- 7-11-040: Exception
- 7-11-050: Responsibility for Nuisances
- 7-11-060: Nuisance Abatement – Administration
- 7-11-070: Finding of Nuisance
- 7-11-080: Voluntary Correction
- 7-11-090: Administrative Citation
- 7-11-100: Abatement by City
- 7-11-110: Habitual Nuisance
- 7-11-120: Appeals

Chapter 12: Hazardous Materials

- 7-12-010: Definitions
- 7-12-020: Declaration of Nuisance
- 7-12-030: Liability for Abatement of Nuisance

Chapter 13: Noise Disturbances (Updated 05/24/19)

- 7-13-010: Purpose
- 7-13-020: Definitions
- 7-13-030: Emergency Orders
- 7-13-040: General Prohibition
- 7-13-050: Specific Prohibitions
- 7-13-060: Noise Levels
- 7-13-070: Exemptions
- 7-13-080: Relief from Regulations
- 7-13-090: Enforcement
- 7-13-100: Penalty
- 7-13-110: Appeals

Chapter 14: Weeds and Offensive Accumulations

- 7-14-010: Inspection and notice
- 7-14-020: Compliance with the notice
- 7-14-030: Abatement by City
- 7-14-040: Appeals
- 7-14-050: Administrative charge

Chapter 15: Wrecked, Junked, Dismantled Motor Vehicles and Other Personal Property

7-15-010: Purpose

7-15-020: Definitions

7-15-030: General Prohibitions

7-15-040: Exceptions

7-15-050: Abatement Procedures

7-15-060: Penalties

Chapter 11

Nuisance Enforcement

- 7-11- 010: Purpose
- 7-11- 020: Definitions
- 7-11- 030: Nuisance - Definition
- 7-11- 040: Exception
- 7-11- 050: Responsibility for Nuisances
- 7-11- 060: Nuisance Abatement – Administration
- 7-11- 070: Finding of Nuisance
- 7-11- 080: Voluntary Correction
- 7-11- 090: Administrative Citation
- 7-11-100: Abatement by City
- 7-11-110: Habitual Nuisance
- 7-11-120: Appeals

7-11-010: PURPOSE

The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character, and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally reserved for the most recalcitrant violators of the ordinance.

7-11-020: DEFINITIONS

Abandon: to surrender ones claim to, right to, or interest in.

Abate: to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the Neighborhood Preservation Officer determines is necessary in the interest of the general health, safety, and welfare of the community.

Completion Date: the date by which the Responsible Person must abate a nuisance. The Completion Date is originally set by the Enforcement Officer in the Voluntary Correction Agreement or in the administrative citation. The Hearing Officer may modify the Completion Date.

City Designated Representative: the person(s) designated to hear appeals pursuant to this ordinance. The City designated representative shall be the mayor or a person appointed by the mayor with the advice and consent of the City Council. The designee need not be a City Employee.

Dwelling Unit: one (1) or more rooms in a residential building or residential portion of a building that are arranged, designed, used, or intended for use as a complete, independent living facility for a single family and that includes permanent provisions for living, sleeping, eating, cooking and sanitation.”

Emergency: a situation, which, in the opinion of the Neighborhood Preservation Officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

Enforcement officer: any person or persons authorized by the City to receive, initiate or investigate complaints that a nuisance or nuisances exist(s), and any person or persons authorized by the City to engage in abatement practices on behalf of the City.

Family: 1) An individual living alone; or 2) two or more people related by blood, marriage, adoption, and their foster children; or 3) up to three unrelated individuals who live and cook together as a single housekeeping unit; or 4) twenty (20) or fewer unrelated disabled individuals who live together. The definition of family includes nonpaying guests of up to two in number, if the guests live and cook together with the family in a single dwelling unit.

Habitual Nuisance means any premises or property located within the City that generates repeated responses from law enforcement officials because of nuisance related activities. Excluding calls for drug or party houses, any premises or property that generates three (3) or more calls for nuisance related activities within an eighteen (18) month time period shall be deemed a “habitual nuisance.” Any premises or property that generates two (2) or more calls for nuisance related activities within an eighteen (18) month time period to abate any drug or party conditions as set forth in this chapter shall be deemed a “habitual nuisance.”

Hearing Officer: the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be appointed by the City Council and shall not be from the Community. The designee need not be a City employee. However, it may be an endorsed off-duty Police Officer

Illegal Rental: any dwelling unit that is rented to persons constituting more than one family.

Inoperable/Junked motor Vehicles: any motor vehicle, as defined herein, which does not have lawfully affixed unexpired license plate or plates, and a current motor vehicle

safety inspection certificate; and the condition of the vehicle is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

- a. No person, firm or corporation shall keep, place, store locate, maintain, discard, dispose of or scrap more than two unlicensed and/or inoperative motor vehicles located outside of an enclosed structure upon any property in any zoning district unless it is a permitted use on review as a salvage yard operation.
- b. Operation of a salvage yard, military surplus or vehicle recycling and storage shall conform to all zoning district requirements and be fully surrounded by a view obscuring fence at a height of least six (6) ft and can be at a height equal to the height of the materials stored within.
- c. means a vehicle not currently registered or licensed in this state or another state, or a vehicle that is or has any of the following conditions: dismantled, broken windows, flat tires, no tires, missing doors, missing windows, missing fenders, missing hood, missing trunk, will not start, or is in a condition that would result in the vehicle's failure to pass state safety inspection pursuant to the Motor Vehicle Act, Utah Code Ann. 41-1a-101, et seq.

Marshal: the police chief of the municipality or sheriff performing law enforcement functions within the municipality.

Motor Vehicle: Any vehicle which is self propelled and designed to travel along the ground and shall include, but is not limited to automobiles, buses, motor-bikes, motorcycles, motor-scooters, trucks, tractors, go- carts, golf carts, campers and trailers.

Municipality: the City of Coalville.

Neighborhood Preservation Officer: a code enforcement officer(s) hired by the City to enforce this ordinance.

Owner: any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term Owner also includes any person in physical possession of the building or premises.

Premises: a plot of ground, whether occupied or not.

Property: a building or structure, or the premises on which the building or structure is located or undeveloped land.

Public Place: an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Responsible Person: the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one Responsible Persons, the City may proceed against one, some or all of them.

Vehicle: any means of transportation, whether driven, pulled, or pushed and whether transporting persons, goods, or materials as defined in the Motor Vehicle Act, Utah Code Ann. 41-1a-1-1, et seq.

7-11-030: NUISANCE - DEFINITION

This section defines nuisance by providing five general definitions of what constitutes a nuisance (subsection A), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct, or activity as a nuisance, even though the situation, conduct, or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. General Definitions of Nuisance: Any activity that meets any one or more of the five definitions set forth below shall constitute a nuisance if it occurs within the City of Coalville:

- 1. Nuisance as Defined in Utah Code Annotated:** Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- 2. Nuisance as Defined in Utah Code Annotated:** Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- 3. Nuisance as Defined in Utah Code Annotated:** Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - a. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
 - b. offends public decency;

- c. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
- d. in any way renders three or more persons insecure in life or the use of property.

An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.

4. Nuisance: A condition which:

- a. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or
- b. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
- c. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

5. Specific Nuisances Listed in Subsection B: Anything specifically listed as a nuisance in subsection (B), below.

B. Nuisances Enumerated: Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to **Utah Code Annotated**.

- 1. Accumulation of Junk:** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premises.
- 2. Alcohol:** Every property or premises not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol are kept for unlawful use, sale, or distribution.

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3. **Attractive Nuisances:** Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, unfinished building or improperly maintained or secured pools.
 4. **Banner Signs:** Keeping or allowing banner signs in violation of City ordinance.
 5. **City Code Nuisances:** Any violation of a Coalville City Code section that expressly declares a specific situation, conduct, or activity to be a nuisance.
 6. **Construction Equipment:** Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
 7. **Dangerous Conditions:** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:
 - a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
 - b. By reason of being a fire hazard.
 - c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
 - d. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
 8. **Dead Animals:** Any Premises that contains any decaying animals, animal parts, or animal matter of any kind.
 9. **Drug Houses:** Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled

substance, precursor, or analog specified in the Utah Code (Utah Controlled Substances Act).

- 10. Dust:** Any Premises which causes excessive dust due to lack of landscaping, non-maintenance or other cause.
- 11. Family:** Keeping or allowing people at a premise in violation of the City's single-family residence requirements.
- 12. Fire Hazard:** Any situation, process, material or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life and/or property.
- 13. Gambling:** Every building or premises where gambling is permitted to be played, conducted, or dealt upon as prohibited in f the Utah Code (Gambling), which creates the conditions of a nuisance as defined in Section 7-11-3(A)(1) of this ordinance.
- 14. Gangs:** Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in the Utah Code Annotated.
- 15. Garbage Can:** The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 72 hours after the collection day.
- 16. Graffiti:** Graffiti which remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.
- 17. Hazardous Conditions:** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
- 18. Hazardous Materials/Substance:** a substance or material in a quantity and form, determined by the United States Department of Transportation, to be capable of posing an unreasonable risk to health and safety or property. **See Chapter 12 of this Title.**
- 19. Illegal Accessory Apartments:** Any violation of the City's accessory apartment ordinance.
- 20. Improper Accumulations:** Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.

21. Improper Maintenance: Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

- a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located; or
- b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premises in violation of City ordinances; or
- c. Buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or
- d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or
- e. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass; or
- f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
- g. Buildings or conditions that violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.

22. Improper Parking or Storage:

- a. Parking or storage of inoperative vehicles, or vehicle parts, on a premises within 25 feet or in the public right-of-way.
- b. Parking or storage of inoperative, unregistered, abandoned, wrecked, or dismantled vehicles, boats, trailers, or vehicle parts, including recreational vehicles, on a Premises or in the public right-of-way. Storage or parking that is specifically allowed by the City's zoning ordinance shall not be considered a nuisance.

- c. Parking or storage of registered vehicles, trailers, or boats in violation of City ordinance.

23. Improper Sign: Improper maintenance of a sign; or signs which advertise a business that is no longer extant on the property.

24. Improper Storage: The keeping, storing, depositing or accumulating on the premises or in the public right-of-way for an unreasonable period of time; dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.

25. Inappropriate Conduct: Every property or premises where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premises or adjacent public place, including but not limited to:

- a. Illegally using or possessing any controlled substance, precursor, analog or possessing any item of drug paraphernalia.
- b. Illegally consuming intoxicating liquor or alcohol;
- c. Publicly urinating or defecating;
- d. By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
- e. Engaging in acts of violence, including fighting amongst themselves;
- f. Discharging a firearm or explosive in violation of City ordinance or State law;
- g. Creating unreasonable noise which disturbs others;
- h. Intentionally obstructing pedestrian or vehicular traffic; or
- i. Soliciting acts of prostitution.

26. Noise Disturbances: any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s). **See Chapter 13 of this Title.**

27. Noxious Emanations: Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.

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- 28. Noxious Weeds:** Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard, source of contamination or pollution of the water, air or property, a breeding place or habitation of insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings, or in excess of twelve, (12) inches tall. **See Chapter 14 of this Title**
- 29. Parking on Landscaping:** Parking in an area required to be landscaped by City ordinance.
- 30. Parking on City Streets:** Parking or storage of vehicles in excess of 36,000 GVW in public right-of-ways for a period of time longer than 96 consecutive hours.
- 31. Party Houses:** Every building or premises where parties occur frequently which create the conditions of a nuisance as defined in Section 7-11- 3(A)(1) of this ordinance. Some of the factors the City may examine in determining whether a party house exists include:
- a. An increase in the number of emergency response calls due to parties being held;
 - b. Any pattern of activity that suggests that parties, creating a nuisance as defined by this ordinance, are taking place;
 - c. Any pattern of activity which diminishes the quiet enjoyment of those buildings and premises around the alleged party house or which cause the immediate neighbors to fear for their safety or the safety of their family members due to the party activity.
- 32. Prostitution:** Every building or premises where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in the Utah Code (Prostitution).
- 33. Refuse:** Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property.
- 34. Required Landscaping:** Failure to install or maintain landscaping required by City ordinance.
- 35. Slaughtering Animals:** Killing, butchering, and dressing of animals in a residential and commercial zones
- 36. Stagnant Water:** Polluted or stagnant water which constitutes an unhealthy or unsafe condition.

37. Unsafe Condition: A condition that unreasonably or unlawfully affects the health or safety of one or more persons.

38. Vegetation: Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.

39. Weapons: Every building or premises where a violation of the Utah Code (weapons) occurs on the premises.

7-11-040: EXCEPTIONS

No act which is done or maintained under the express authority of an authoritative statute, ordinance, conditional use permit, or court ruling shall be declared a nuisance.

Vehicles retained by the owner for antique collection purposes must be stored in an enclosed building on private property.

7-11-050: RESPONSIBILITY FOR NUISANCES:

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a Responsible Person pursuant to this ordinance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

7-11-060: NUISANCE ABATEMENT - ADMINISTRATION

This ordinance shall be administered and enforced by the Community Development Department. In case of nuisances involving dangerous buildings or violations, this ordinance may also be administered and enforced by the Building Inspector.

7-11-070: FINDING OF NUISANCE

If the Enforcement Officer finds that a nuisance exists, the Enforcement Officer shall attempt to have the Responsible Person abate the nuisance. Although the first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the Enforcement Officer may pursue any remedy or combination of remedies available pursuant to this ordinance, State law, or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in its

standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances, building codes, or the Abatement of Dangerous Buildings Code without first treating the offending conduct, situation, or activity as a nuisance pursuant to this ordinance.

7-11-080: VOLUNTARY CORRECTION

This section applies whenever the Enforcement Officer determines that a nuisance exists.

A. Contact: Before taking other steps to abate the nuisance, the Enforcement Officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:

1. Determine the name and last-known address of the property owner or occupant and a description of the premises where the violation exists. This information can be obtained from the county assessor.
2. Verify if the violation exists and take pictures of the violation noting the date and time of the pictures.
3. Serve written notice of the violation on the owner of the property either personally, or by certified mail, return receipt requested, addressed to the owner as determined above.
4. Agreeing to terms with the Responsible Person to abate the nuisance.
 - a. Verbal agreement. The responsible person and the officer may agree verbally as to what actions must be taken to abate the nuisance. Failure to abide by the verbal agreement can result in further action being taken, as outlined in this Article.
 - b. Voluntary Correction Agreement. The responsible person and the officer may memorialize the terms of their agreement as set forth in this section.

B. Voluntary Correction Agreement: If the Enforcement Officer and the Responsible Person agree to terms for abating the nuisance, they may enter into a Voluntary Correction Agreement. The Voluntary Correction Agreement is a contract between the City and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The Voluntary Correction Agreement shall include the following terms:

1. The name and address of the Responsible Person;

2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon or within which the nuisance is occurring;
3. A description of the nuisance;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the Responsible Person that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
6. An agreement by the Responsible Person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this ordinance from the Responsible Person, if terms of the Voluntary Correction Agreement are not met;
7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Enforcement Officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the Voluntary Correction Agreement; and
8. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.

The Enforcement Officer may grant an extension of the time limit for correcting or abating the nuisance if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. If the Responsible Person complies with the terms of the Voluntary Correction Agreement, the City shall take no further action against the Responsible Person related to the nuisance described in the Voluntary Correction Agreement unless the nuisance recurs.

C. No Agreement: If the Enforcement Officer and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Enforcement Officer may still abate the nuisance using one or more of the procedures set forth in this ordinance, State law, or common law.

7-11-090: ADMINISTRATIVE CITATION

A. Administrative Citation: When the Enforcement Officer determines that a nuisance exists, and is unable to secure voluntary correction pursuant to Section 7-11-080,

the Enforcement Officer may issue an administrative citation to the Responsible Person. The Enforcement Officer may issue an administrative citation without having attempted to secure voluntary correction as provided in Section 7- 11-080 under the following circumstances:

1. When an emergency exists; or
2. When the Enforcement Officer is unable to locate or determine the identity of the Responsible Person.

B. Content of Administrative Citation: The administrative citation shall include the following:

1. The name and address of the Responsible Person; and
2. The street address of the nuisance or a description sufficient for identifying the building, structure, premises, or land upon or within which the nuisance is occurring; and
3. A description of the nuisance; and
4. The required corrective action; and
5. The Completion Date; and
6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal.
7. A statement indicating that no monetary fine will be assessed if the Enforcement Officer approves the completed, required corrective action prior to the Completion Date; and
8. A statement that the City may abate the nuisance and assess costs and expenses of abatement and a monetary fine against the Responsible Person if the correction is not completed by the Responsible Person and approved by the Enforcement Officer before the Completion Date.

C. Service of Administrative Citation: The Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the Responsible Person at his/her last known address. If the Responsible Person cannot after due diligence be personally served within Summit County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of

service, the manner by which the service was made, and if by posting, the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. No Extension: No extension of the time specified in the administrative citation for correction of the nuisance may be granted, except by order of the Hearing Officer.

7-11-100: ABATEMENT BY CITY

The City may take one or more of the following actions against any Responsible Person who fails to comply with the terms of a Voluntary Consent Agreement, an administrative citation, or an order of the Hearing Officer:

A. Abatement by the City:

1. The City may abate a nuisance when:
 - a. The terms of a Voluntary Correction Agreement have not been met; or
 - b. The requirements of an administrative citation have not been complied with, or, if the administrative citation is appealed to a Hearing Officer and the terms of the administrative citation are amended by the Hearing Officer, the terms of the Hearing Officer's Order have not been complied with; or
 - c. The condition is subject to summary abatement as provided for in subsection 2, below.
2. Whenever a nuisance is occurring which constitutes an immediate and emergent threat to the public health, safety, or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.
3. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
4. During an abatement proceeding, any personal property constituting a nuisance, as defined by this Article, may be confiscated as part of the abatement process. Any property that has been confiscated by the City as part of abatement will be held pending the resolution of the nuisance. The owner of the abated property may recover the property upon showing that the nuisance has been corrected or that substantial efforts, as determined by the Enforcement Officer s, have been made to correct the nuisance. The property owner shall pay the cost of storage of the property. If, after 90 days of the property being confiscated, the property

owner fails to claim the confiscated property, after complying with the requirements of the **Utah Code Annotated**, the City may dispose of the property, including sale at auction, disposal, etc. and seek to collect the cost of storage from the property owner and any other remedies as provided by law.

5. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the Responsible Person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) days of actual receipt of the bill (within fifteen days of the mailing date if the bill is mailed). The term incidental expenses include but is not limited to:
 - a. Personnel costs, both direct and indirect, including attorneys fees and costs;
 - b. Costs incurred in documenting the violation;
 - c. Hauling, storage and disposal expenses;
 - d. Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
 - e. The costs of any required printing and mailing.
6. The owner of any vehicle or property seized under the provisions of this Ordinance may redeem such vehicle or property at any time after its removal but prior to the sale or destruction thereof on proof of ownership and payment to the municipality such sum as he may determine and fix for the actual expense of removal, and any preliminary sale advertising expenses, not to exceed \$75.00 plus \$5.00 per day for storage for each vehicle or item of property redeemed.

B. Monetary Fine and Collection of Costs Incurred:

1. The Responsible Person shall pay the City a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Enforcement Officer approves the Responsible Person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:
 - a. Fifty Dollars (\$50.00) minimum for non-compliance.
 - b. Twenty Five Dollars (\$25.00) per day for each day the nuisance remains uncorrected or unabated after the Completion Date;

- c. Maximum of One Thousand dollars (\$1000.00) accumulation for daily violations.
2. The monetary fine shall be cumulative and may not be waived by the Enforcement Officer. Payment of a monetary fine pursuant to this section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Consent Agreement or the administrative citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the City within thirty (30) calendar days from the date of mailing of a notice from the City that the fine is due.
3. The City Attorney or his designee is authorized to take appropriate action to negotiate the amount of the monetary fine and costs incurred due to City abatement, collect the monetary fine and costs, determine the time period in which the monetary fine and costs shall be paid, and take any other action necessary to resolve the fine and costs, including recording a Lien on the property, or collecting through the County Taxes via the County Treasurer.

In the event the City elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the City shall make in triplicate an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing nuisances.

In determining the time period in which to pay, the City Attorney or his designee may take into consideration the number of days between the required completion date and the actual completion date, Enforcement Officer input, the Responsible Person's cooperation, etc.

4. The City may also seek to collect reasonable attorney's fees and costs incurred in collecting the monetary fine where allowed by law.
- C. Civil Actions:** Either the City or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.
- D. Criminal Actions:** Criminal actions may be initiated by criminal citation from the Enforcement Officer or by long form Information.
1. Any person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor. No person shall be prosecuted under this subsection (1)

unless the Enforcement Officer first attempted to obtain voluntary correction as provided in section 7-11-8-B of this ordinance.

2. If the alleged nuisance is also a violation of a provision of City Code (other than this nuisance ordinance) or State law, the Responsible Person may be charged under the specific provision of City Code or State law, even if the Enforcement Officer did not first attempt to obtain voluntary correction as provided in section of 7-11-8-B of this ordinance.
3. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Responsible Person, in the performance of duties imposed by this ordinance, or a decision and Order issued by the Hearing Officer, or a Voluntary Correction Agreement, is guilty of a Class B misdemeanor.

E. Non-exclusive Remedies: Notwithstanding anything contained herein to the contrary, the City may proceed pursuant to **Utah Code Annotated** without complying with any of the provisions of this ordinance. In addition the City may take any or all of the abovementioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity that creates causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

7-11-110: HABITUAL NUISANCE

A. Penalty for Habitual Nuisance: Any property determined to a habitual nuisance shall be subject to a fine of \$500.00 per day.

B. Notice of Nuisance: A building or premises may not be declared a habitual nuisance nor may the \$500.00 fine be collected unless notice to the responsible person has been given. Notice that a property may be declared a habitual nuisance shall be stated on the face of an administrative citation or through some other documentation delivered to the responsible person. The notice shall state that future responses to the property may result in the property being declared a habitual nuisance, subject to a fine.

7-11-120: APPEALS

A. Grounds: Any person receiving an administrative citation may appeal the administrative citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer:

1. The person charged in the administrative citation as the Responsible Person, is not the Responsible Person as defined by this ordinance.

2. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this ordinance.
3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost-effective method of effectively correcting or abating the nuisance.
4. The time period given to abate the nuisance in the administrative citation is unreasonable.
5. The Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation.
6. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.

B. Filing:

1. A person desiring to appeal an administrative citation must file a notice of appeal at the City Building within ten (10) days of being served with the administrative citation or within fifteen (15) days of the mailing date if the administrative citation is mailed. A person who has made corrective action in response to an administrative citation, which corrective action the Enforcement Officer refused to approve, may appeal within ten (10) days from the completion date if that person has grounds to appeal under subsections A(4) or A(5) of this section.
2. The notice of appeal shall clearly and concisely set forth all the reasons for the appeal. The Hearing Officer shall examine the notice of appeal to determine whether a valid appeal has been stated. If the appellant has not stated a valid cause for appeal, as set forth in Section 7-11-12-A of this code, or if the appellant has failed to show by a preponderance of the evidence, that he/she has an appealable issue, the appeal shall be denied and no hearing shall be held.
3. If the appellant has not shown due diligence and/or substantial progress in correcting the nuisance or has made no attempt to correct the nuisance, the filing of an appeal will not stop the accrual of the fines.
4. If the appellant has filed an appeal, the filing of such appeal will not prevent law enforcement officers from responding to the property on reports of new nuisance violations.

C. Hearing: The hearing before the Hearing Officer shall be informal according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Enforcement Officer may each call witnesses at the hearing. The

Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows the parties at the site visit, both parties must be given the opportunity to be present. The Hearing Officer shall schedule the hearing within thirty (30) days of when the notice of appeal is filed with the City. The City Attorney, or his designee, shall be present for the hearing and act as legal adviser for the Hearing Officer.

D. Burden of Proof:

1. In appellant's notice of appeal, the appellant shall have the initial burden of proof to demonstrate by a preponderance of the evidence that he/she has stated a legitimate grounds for an appeal based upon reasons as set forth in Section 7-11-12A of this code.
2. If the appellant has timely filed his/her appeal and a hearing has been scheduled, the burden then shifts to the City to show by a preponderance of the evidence that a nuisance does exist.
3. The determination of the Enforcement Officer as to the need for the required corrective action shall be accorded substantial weight by the Hearing Officer in determining the reasonableness of the corrective action.

E. Authority of Hearing Officer: The Hearing Officer shall have authority to affirm or vacate the administrative citation, or to modify or waive specific provisions of the administrative citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the administrative citation. The Hearing Officer shall not vacate the administrative citation unless he/she finds that no nuisance exists. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:

1. Whether the appellant responded to the Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
2. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
3. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining the nuisance.
4. Any other relevant factors. If the appellant appeals the Enforcement Officer's refusal to approve appellant's corrective action, the Hearing Officer shall visit the

site and determine if the appellant complied with the requirements of the administrative citation.

- F. Order:** The Hearing Officer shall issue a written Order to the appellant and the City notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the City within five (5) working days of the close of the hearing.
- G. Appeal to District Court.** Either the City or the appellant may appeal the Hearing Officer's Order by filing a petition for review of the Order. The petition must be filed in the Fourth District Court within thirty (30) calendar days from the date the Hearing Officer's Order was mailed to the appellant. In the petition, the plaintiff may only allege that the Hearing Officer's order was arbitrary, capricious, or illegal. The Hearing Officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings. If, in the opinion of the District Court, there is a sufficient record to review the Hearing Officer's Order, the Court's review is limited to the record provided by the Hearing Officer. The District Court may not accept or consider any evidence outside of the Hearing Officer's record unless the evidence was offered to the Hearing Officer and the Court determines that it was improperly excluded by the Hearing Officer. If, in the opinion of the District Court, there is not a sufficient record to review the Hearing Officer's Order, the Court may call witnesses and take evidence. No petition or appeal may be filed in District Court unless the Responsible Person first appeals to the Hearing Officer pursuant to the terms set forth in this ordinance.

Chapter 12

Hazardous Materials

7-12-010: Definitions

7-12-020: Declaration of Nuisance

7-12-030: Liability for Abatement of Nuisance

7-12-010: DEFINITIONS

Discharge: leakage, seepage, or other release.

Hazardous material: a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property.

Person: any natural person or individual, governmental body, firm, association, partnership, co-partnership, joint venture, company, corporation, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

7-12-020: DECLARATION OF NUISANCE

The actual or threatened discharge of hazardous materials within the City of Coalville is hereby declared a nuisance.

7-12-030: LIABILITY FOR ABATEMENT OF NUISANCE

Any person who owns, leases, operates, or controls any facility, equipment, or vehicle from which a discharge of hazardous materials has occurred, or is threatened to occur, shall be liable to the City of Coalville for any expenses incurred by the City in connection with preventing, assessing, containing, cleaning up, or disposing of any hazardous material discharged or threatened to be discharged.

Chapter 13

Noise Disturbances (Updated 05/24/19)

- 7-13-010: Purpose**
- 7-13-020: Definitions**
- 7-13-030: Emergency Orders**
- 7-13-040: General Prohibition**
- 7-13-050: Specific Prohibitions**
- 7-13-060: Noise Levels**
- 7-13-070: Exemptions**
- 7-13-080: Relief from Regulations**
- 7-13-090: Enforcement**
- 7-13-100: Penalty**
- 7-13-110: Appeals**

7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City, Utah;
- B. Prevent the making, creation, or maintenance of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet of the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, and the department of community development.

7-13-030: ADMINISTRATION

The sheriff's department and department of community development shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders as necessary to effect the purpose of these regulations, and do any and all acts permitted

by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten minutes or more.
- B. Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. Device:** Any mechanism that is intended to produce or that actually produces noise when operated or handled.
- D. Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. Impulsive Noise:** A noise containing excursions usually less than one second.
- I. Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. Muffler:** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.
- K. Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Director of Community-Development, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. Public Calamity.** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of 72 hours, at which time the incident will be assessed and further suspension of these rules ended or extended.
- B. Approve Application for Exemptions for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances. See definitions.

7-13-070: GENERAL PROHIBITION OF NOISE

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in this Ordinance.

7-13-080: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the County, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this code, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this code .
- D. Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. Loading Operation:** Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.
- G. Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under his control or at which he is employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon

adjoining property occupants.

H. Fireworks or Explosives: The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

I. Liquor Licensed Premises:

1. **Failure to Control Noise.** Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
2. **Outdoor Speakers.** Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.

J. Racing Events: Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.

K. Powered Model Mechanical Devices: Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate section 7-13-100.

L. Dynamic Braking Devices: Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 7:00 a.m. to 11:00 p.m., Monday thru Saturday, and 9:00 a.m. thru 11:00 p.m. on Sundays.

M. Defect in Vehicle: Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.

N. Garbage Collection: Collecting garbage, waste, or refuse between the hours of 11:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- O. Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- P. Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than five minutes in any hour.
- Q. Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle., horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-100, except as a sound signal of imminent danger.
- R. Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 11:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.

7-13-090: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-100: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A.** On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.
- B.** If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive

and unusually loud.

- C. Hours of restriction are 11:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-110: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the county manager in accordance with section 5-3-12 of this chapter;
- F. Any noise resulting from snowmaking activities at ski areas;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations and uses on private or public property; and
- I. Any noise resulting from railway locomotives and cars.

7-13-120: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of the express conditions placed upon any permit issued by the City Council for a large public assemblage.

7-13-130: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Department of Community Development and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Department of Community Development or municipal or County law enforcement agency may, upon discovery or report of a violation or violations of this Ordinance, issue a written citation for the violation requiring an appearance in court to answer the charges, or may file a report with the City Attorney for review and issuance of an. information and summons to court to answer the charges.

7-13-140: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the county in removing or abating any nuisance or other noise disturbance.

Ordinance No. 1998-3

An ordinance establishing regulations for a Noise Ordinance

Title 7: Health and Safety

Chapter 14: Weeds and Offensive Accumulations

7-14-010: Inspection and notice

7-14-020: Compliance with the notice

7-14-030: Abatement by City

7-14-040: Appeals

7-14-050: Administrative charge

7-14-010: Inspection and Notice

Undeveloped lots which have weeds, grass, or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. Weed abatement compliance shall be accomplished by discing, plowing, or mowing weeds within 4 inches of the ground. The City shall survey properties within the City and identify those needing abatement and then serve notice in writing upon the owner or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The City shall make proof of service of such notice under oath, and file the same in the office of the County Treasurer.

7-14-020: Compliance with the notice:

The failure of any person to comply with a notice issued pursuant to this article shall be unlawful.

7-14-030: Abatement by City:

If any owner or occupant of land cited in the notice issued pursuant to Section 7-11-8 of this code shall fail or neglect to eradicate or destroy and remove weeds, or growth, in accordance with such notice, the City may employ the necessary assistance and cause such weeds to be removed or destroyed. The City shall prepare an itemized statement of all expenses incurred in their removal and destruction, and shall mail a copy thereof to the owner demanding payment within thirty (30) days of the date of the mailing. The

notice shall be deemed delivered when mailed by registered mail addressed to the property owner's last known address. In the event the owner fails to make payment of the amount set forth in the statement to the City Treasurer within the twenty (20) days, the City may cause suit to be brought in an appropriate court of law or may refer the matter to the County Treasurer as hereinafter provided. In the event collection of the costs are pursued through the courts, the City may sue for and receive judgment upon all of the costs of removal and destruction together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law. In the event the City elects to refer the matter to the County Treasurer for inclusion in the tax notice of the property owner, the City shall make in triplicate an itemized statement of all expenses incurred in the removal and destruction of the same, and shall deliver the three (3) copies of the statement to the County Treasurer within ten (10) days after the completion of the work of removing such weeds.

7-14-040: Appeals:

Any person aggrieved by a weed abatement decision is entitled to a hearing by filing a request for such in the City Office with the Enforcement Officer within ten (10) days of receiving notice from the City. The hearing shall be before a Hearing Officer. The hearing officer shall have authority to uphold or overturn any decision properly before him or her regarding weed abatement under this article.

7-14-050: Administrative charge:

An administrative charge in the amount of itemized actual costs incurred by the City pursuant to City abatement procedures shall be levied on all property owners who do not abate identified problems located on their property within the required time allotted them under this Article, in cases where the problems are subsequently abated by the City.

ORDINANCE NO W-G #1

*AN ORDINANCE PROVIDING FOR THE ABATEMENT OF WEEDS, GARBAGE,
REFUSE*

Chapter 15

Wrecked, Abandoned, Junked, Dismantled Motor Vehicles and Other Personal Property

7-15-010: Purpose**7-15-020: Definitions****7-15-030: General Prohibitions****7-15-040: Exceptions****7-15-050: Abatement Procedures****7-15-060: Penalties****7-15-010: Purpose**

Motor vehicles and other personal property are or may in the future be abandoned, dismantled, partially dismantled, wrecked, junked, inoperative or discarded or left about the municipality, in places other than junk yards or other appropriate areas.

Such conditions tend to impede traffic in the streets; interfere with the enjoyment of property; reduce the value of private property; invite plundering, create fire hazards; extend and aggravate urban blight; and are a nuisance; and result in serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the municipality; therefore, be it ordained by the City of Coalville.

7-15-020: Definitions

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the, future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Junked motor vehicle: any motor vehicle, as defined by 7-15-2(c) of this code, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded.

B. Marshal: is the police chief of the municipality or sheriff performing law

enforcement functions within the municipality.

- C. Motor Vehicle:** is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor-bikes, motorcycles, motor-scooters, trucks, tractors, go-carts, golf carts, campers and trailers.
- D. Municipality:** is the City of Coalville.
- E. Other personal property:** is any other personal property which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded and shall include, but not be limited to refrigerators, freezers, kitchen appliances, bathroom fixtures, boats, snowmobiles, wagons and building materials.
- F. Person:** shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. Private property:** shall mean any real property within the municipality which is privately owned and which is not public property as defined in this section.
- H. Public property:** shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

7-15-030: General Prohibition of Wrecked, Junked, and Abandoned Property

No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicle or other personal property of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked, or partially dismantled condition whether attended or not, on any public or private property within the municipality for a period of time in excess of 72 hours.

The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof or other personal property on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Title.

7-15-040: Exceptions

This section shall not apply to any vehicle or other personal property enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the municipality, or to any motor vehicle in operable

condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes.

7-15-050: Procedure for Abatement of Nuisance

All procedures for Notice, Hearing, Removal, Disposing, and Public Sales of Confiscated Property, and Redemption of Confiscated property, shall follow the provisions outlined and set forth in the Utah State Code, as well as Chapter 11 of this Title.

7-15-060: Penalty:

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and on conviction shall be subject to a fine of not more than \$299.99. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

ORDINANCE NO 1986-4

*AN ORDINANCE RELATING TO ABANDONED, WRECKED, JUNKED, AND
DISMANTLED MOTOR VEHICLES AND OTHER PERSONAL PROPERTY*

Chapter 13

NOISE DISTURBANCES

- 7-13-010: Purpose
- 7-13-020: Jurisdiction
- 7-13-030: Powers and Duties
- 7-13-040: Definitions
- 7-13-050: Compliance Requirement
- 7-13-060: Emergency Orders
- 7-13-070: Sound Level; Measurement Method
- 7-13-080: General Prohibition of Noise
- 7-13-090: Specific Noise Prohibitions
- 7-13-100: Motor Vehicle Noise
- 7-13-110: Noise Levels
- 7-13-120: Exemptions
- 7-13-130: Relief from Restrictions
- 7-13-140: Enforcement
- 7-13-150: Penalty

7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City;
- B. Prevent the making and creation, of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet for the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, community development director and the public works director.

7-13-030: POWERS and DUTIES

The sheriff's department, community development director and public works director shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders

as necessary to effect the purpose of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. **Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten (10) minutes or more.
- B. **Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. **Device:** Any mechanism that is intended to produce or that produces noise when operated or handled.
- D. **Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. **Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. **Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. **Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. **Impulsive Noise:** A noise containing excursions usually less than one second.
- I. **Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. **Muffler:** An apparatus consisting of a series of chambers or baffle plates designated to transmit gases while reducing sound.
- K. **Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. **Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. **Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. **Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. **Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. **Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.
- Q. **Weighted Sound Pressure Level:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is “db(A) or “dba”.

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Community Development Director, Public Works Director, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. **Suspension of Rules by Officials:** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed, and further suspension of these rules ended or extended.
- B. **Application for Exemption for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances as defined in this chapter.

7-13-070: SOUND LEVEL; MEASUREMENT METHOD

Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National

Standards Institute or other reasonable standards adopted and tested by the Summit County Health Department or Coalville City .

7-13-080: GENERAL PROHIBITION OF NOISE

In addition to the specific noise prohibitions outlined in Section 7-13-090, it shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in Section 7-13-040. .

7-13-090: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. **Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. **Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. **Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this chapter, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this chapter.
- D. **Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. **Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. **Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under their control or at which they are employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer

may authorize extended hours for construction operations or procedures which, by their nature, require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

G. Fireworks or Explosives: The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

H. Liquor Licensed Premises:

1. **Failure to Control Noise.** Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.

2. **Outdoor Speakers.** Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.

I. Racing Events: Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.

J. Powered Model Mechanical Devices: Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate Section 7-13-100.

K. Dynamic Braking Devices: Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 10:00 p.m. to 7:00 a.m., Monday thru Saturday, and 9:00 p.m. thru 11:00 a.m. on Sundays.

L. Defect in Vehicle: Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.

M. Garbage Collection: Collecting garbage, waste, or refuse between the hours of

10:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- N. **Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- O. **Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than two (2) minutes in any hour.
- P. **Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle., horn, or siren for longer than two (2) minutes in any hour as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-110, except as a sound signal of imminent danger.
- Q. **Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.
- R. **Noise Near Agricultural Operations:** Construction companies, special event entities or adjacent property owners conducting an activity that creates any new or unusual noise near agricultural operations are strongly encouraged to consult with the farm/ranch operator to mitigate the negative effect of the noise prior to the commencement of the construction, event or activity. Noise impact disputes associated with agricultural operations are a civil matter and cannot be resolved by the City.

7-13-100: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-110: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A. On the public right-of-way or upon public property, from the source or device as

to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.

- B. If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive and unusually loud.
- C. Hours of restriction are 10:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-120: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the City Council in accordance with section 7-13-120 of this chapter;
- F. Any noise resulting from snowmaking activities;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations on private or public property; and
- I. Any noise resulting from medical or emergency helicopter operations.

7-13-130: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of

the express conditions placed upon any permit issued by the City Council for a Special Use Event or Activity.

7-13-140: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Community Development Director, Public Works Director and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Community Development Director, Public Works Director or other designated representative may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation, or may file a report with the City Attorney for review and assessment of a fine or other legal action pursuant to Section 7-13-140.

7-13-150: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the City in removing or abating any nuisance or other noise disturbance.